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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,397	01/17/2006	Josef Berger	095309-56145US	4959

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CROWELL & MORING LLP  
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EXAMINER
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HWU, DAVIS D

ART UNIT	PAPER NUMBER
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3752

MAIL DATE	DELIVERY MODE
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11/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/530,397	<b>Applicant(s)</b> BERGER ET AL.	
	<b>Examiner</b> Davis D. Hwu	<b>Art Unit</b> 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on prelim. amendment of January 17, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18, 29, 30 and 32-40 is/are rejected.
- 7) ☒ Claim(s) 19-28 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/19/07, 6/1/06, 1/17/06</u> | 6) <input checked="" type="checkbox"/> Other: <u>Fig. 1 and Fig. 2</u>                  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 29, 30, and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Friant et al.

Zimmer discloses a washing device for a glass pane in a vehicle comprising a washing fluid line 14 which runs along a lower edge of the glass pane, a washing fluid nozzle 16 as recited comprising a spray opening 48, a non-return valve 38 upstream of the spray opening, a pipe section and a valve housing which contains the non-return valve and is connected to the outside of the pipe section with its housing axis parallel to the axis of the pipe section (please see Figure 1 attached herein), wherein the spray opening is arranged in the valve housing, and the pipe section is inserted into an intersection point of the washing fluid line. Zimmer does not disclose the spray opening being arranged with its opening normal transverse to the housing axis. Friant et al. teaches a windshield washer device comprising a housing 32 having with an axis and a spray opening 56 normal to the axis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Zimmer by orienting the spray opening to be normal to the housing axis since such arrangements have already been taught by Friant et al. Zimmer also discloses spray module in which

the spray opening is integrated (see Figure 2) and which is replaceably inserted in a housing opening of the valve housing as recited in claim 29. The shapes of the valve housing would have been a matter of design choice since such modifications would have involved a mere change in the shape of an object which is generally recognized as being within the level of ordinary skill in the art and the use of a flexible hose would also have been a matter of design choice.

3. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Friant et al. as applied to claim 15 above, and further in view of Bains. Zimmer and Friant et al. also disclose a fluid heating element 18 but not the heating element being inside the washing fluid line. Bains teaches a windshield washing device comprising a heating element 9 running inside a washing fluid line 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Zimmer and Friant et al. by moving the heating element to inside the fluid line since such arrangements have already been taught by Bains. Zimmer also discloses spray module in which the spray opening is integrated (see Figure 2) and which is replaceably inserted in a housing opening of the valve housing as recited in claim 17.

#### ***Allowable Subject Matter***

4. Claims 19-28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Vogt and Petzold are pertinent to Applicant's invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Primary Examiner

